

Honorable Mary K. Dimke

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

OKANOGAN HIGHLANDS
ALLIANCE, and STATE OF
WASHINGTON,

Plaintiffs,

v.

CROWN RESOURCES
CORPORATION and KINROSS
GOLD U.S.A., INC.,

Defendants.

NO. 2:20-CV-00147-MKD

Pursuant to the April 17, 2024, Order in this case, *see* ECF No. 187, the parties submit this Joint Status Report. The parties have conferred regarding trial dates and case schedules but have not reached agreement on a single proposed trial date. Plaintiffs State of Washington and Okanagan Highlands Alliance (collectively “Plaintiffs”) propose a March 24, 2025 trial date and Defendants

Crown Resources Corporation and Kinross Gold U.S.A. Inc. (collectively “Defendants”) propose a trial date of August 4, 2025.

Plaintiffs’ Position

Plaintiffs are ready to go to trial on the first available trial date provided by the court, March 24, 2025. This date adds the least amount of additional delay to resolution of the Plaintiffs’ claims. This trial schedule already delays resolution of the Plaintiffs’ claims to five years after filing. All of the Plaintiffs’ expert witnesses are available to testify on each of the dates provided by the court. Plaintiffs are also available for trial starting April 21, June 16, July 7, and August 4. However, OHA prefers not to go to trial in August of 2025.

Accordingly, Plaintiffs propose the following trial schedule:

Event	Date per ECF 187	Date
Motion to Amend/Add Parties	210 days before trial	Monday, August 26, 2024
All written discovery served	70 days before discovery cutoff	Friday, August 16, 2024
Motions to Compel	30 day before discovery cutoff	Wednesday, September 25, 2024
Daubert motions	200 days before trial	Thursday, September 5, 2024
Referral for Settlement Conference	150 days before trial	Friday, October 25, 2024
Discovery Cutoff	150 days before trial	Friday, October 25, 2024
Notice of To-Be-Adjudicated Claims and Affirmative Defenses	143 days before trial	Friday, November 1, 2024
Dispositive motions	143 days before trial	Friday, November 1, 2024
Deposition designations	63 days before trial	Monday, January 20, 2025

Cross designations	49 days before trial	Monday, February 3, 2025
Objections to designations	35 days before trial	Monday, February 17, 2025
Exhibit/Witness Lists	56 days before trial	Monday, January 27, 2025
Objections to Exhibit/Witness Lists	49 days before trial	Monday, February 3, 2025
Response to Exhibit/Witness objections	42 days before trial	Monday, February 10, 2025
Motions in Limine	56 days before trial	Monday, January 27, 2025
Response to Motions in Limine	49 days before trial	Monday, February 3, 2025
Replies to Motions in Limine	42 days before trial	Monday, February 10, 2025
Joint Proposed Pretrial Order	35 days before trial	Monday, February 17, 2025
Trial Briefs, Proposed Findings of Fact and Conclusions of Law	35 days before trial	Monday, February 17, 2025
Pretrial Conference/Motion in Limine Hrg	21 days before trial	Monday, March 3, 2025
Trial Date	Monday, March 24, 2025	

Defendants' Position

Since obtaining potential trial dates from the Court last Tuesday, the parties have conferred several times, including twice by telephone. As Defendants informed Plaintiffs, Defendants have conflicts on the March 24, April 21, and July 7 trial dates, which is not surprising given that it involves coordinating schedules of counsel, clients, fact witnesses, and six retained expert

witnesses. Defendants are, however, available to begin trial on August 4 and we understand that Plaintiffs are available on that date as well. Accordingly, Defendants propose that trial commence on that date, and that the case proceed according to the following schedule:

Event	Date per ECF 187	Date
Motion to Amend/Add Parties	210 days before trial	Monday, January 6, 2025
All written discovery served	70 days before discovery cutoff	Friday, December 27, 2024
Motions to Compel	30 day before discovery cutoff	Wednesday, February 5, 2025
Daubert motions	200 days before trial	Thursday, January 16, 2025
Referral for Settlement Conference	150 days before trial	Friday, March 7, 2025
Discovery Cutoff	150 days before trial	Friday, March 7, 2025
Notice of To-Be-Adjudicated Claims and Affirmative Defenses	143 days before trial	Friday, March 14, 2025
Dispositive motions	143 days before trial	Friday, March 14, 2025
Deposition designations	63 days before trial	Monday, June 2, 2025
Cross designations	49 days before trial	Monday, June 16, 2025
Objections to designations	35 days before trial	Monday, June 30, 2025
Exhibit/Witness Lists	56 days before trial	Monday, June 9, 2025
Objections to Exhibit/Witness Lists	49 days before trial	Monday, June 16, 2025

Response to Exhibit/Witness objections	42 days before trial	Monday, June 23, 2025
Motions in Limine	56 days before trial	Monday, June 9, 2025
Response to Motions in Limine	49 days before trial	Monday, June 16, 2025
Replies to Motions in Limine	42 days before trial	Monday, June 23, 2025
Joint Proposed Pretrial Order	35 days before trial	Monday, June 30, 2025
Trial Briefs, Proposed Findings of Fact and Conclusions of Law	35 days before trial	Monday, June 30, 2025
Pretrial Conference/Motion in Limine Hrg	21 days before trial	Monday, July 14, 2025
Trial Date	Monday, August 4, 2025	

Defendants' only conflict for the June 16 trial date concerns our client representative. If the Court will excuse a client representative from being present for the entirety of the trial, Defendants can be available for the June 16 trial date as well.¹

¹ For a June 16 trial, the deadlines change as follows: Motion to Amend/Add Parties - Monday, November 18, 2024; All Written discovery served - Friday, November 8, 2024; Motions to Compel - Wednesday, December 18, 2024; Daubert motions - Thursday, November 28, 2024; Referral for Settlement Conference - Friday, January 17, 2025; Discovery Cutoff - Friday, January 17, 2025; Notice of To-Be-Adjudicated Claims and Affirmative Defenses - Friday, January 24, 2025; Dispositive motions - Friday, January 24, 2025; Deposition designations - Monday, April 14, 2025; Cross designations - Monday, April 28, 2025; Objections to designations - Monday, May 12, 2025; Exhibit/Witness Lists - Monday, April 21, 2025; Objections to Exhibit/Witness Lists - Monday,

RESPECTFULLY SUBMITTED this 30th day of April, 2024.

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s/ Paul Kampmeier

s/ Elizabeth Harris

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April 28, 2025; Response to Exhibit/Witness objections - Monday, May 5,
2025; Motions in Limine - Monday, April 21, 2025; Response to Motions in
Limine - Monday, April 28, 2025; Replies to Motions in Limine - Monday,
May 5, 2025; Joint Proposed Pretrial Order - Monday, May 12, 2025; Trial
Briefs, Proposed Findings of Fact and Conclusions of Law - Monday, May 12,
2025; Pretrial Conference/Motion in Limine Hrg - Monday, May 26, 2025.

JOINT STATUS REPORT

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No. 2:20-cv-00147

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2024, I caused the foregoing document with this attached certificate of service to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the attorneys of record in this case.

s/ Elizabeth Harris
Elizabeth Harris, WSBA #53135
Attorney for Plaintiff State of Washington